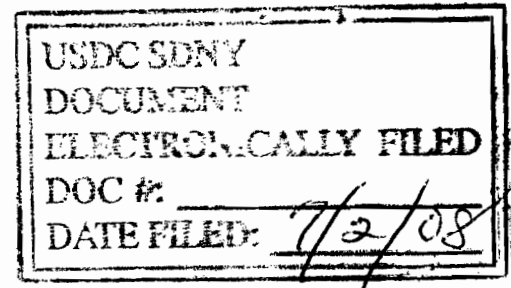


BADIAK & WILL, LLP
Attorneys for Plaintiff
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Mineola, New York 11501
(516) 877-2225
Our Ref. : 08-W-005 & -006-JK



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TM ASIA INSURANCE SINGAPORTE LIMITED a/s/o
Perfumes Distributor, Inc.,

Plaintiff,

08 Civ. 3729 (SAS)

SCHEDULING ORDER

- against -

Conference Date: July 2, 2008

PRIMARY FREIGHT SERVICES, INC.,

Defendants.
-----X

SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on May 15, 2008 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the ORDER:

(1) The Conference was held on July 2, 2008, and the following appearance were made for the parties:

For the Plaintiff	:	James P. Krauzlis, Esq., Badiak & Will, LLP
For the Defendant	:	David Y. Loh, Esq., Cozen O'Connor

(2) Concise Statement of the issues as they now appear:

This is an admiralty claim brought by the subrogated cargo underwriter of the consignee of two shipments of perfumery products which were shipped from Singapore to New York and then on-carried from New York to Miami, Florida. The two shipments were delivered by the defendant carrier or its sub-contracted trucker with shortages at destination, Miami. There are no counter-claims known at this time.

The parties dispute whether plaintiff can establish a prima facie case, as plaintiff contends the defendant received the full shipments at origin and delivered the shipments with pilferage, with many cartons apparently tampered with at some point during the transportation, while defendant contends the evidence of pilferage suggests the loss occurred prior to shrink-wrapping being placed on the subject pallets. Defendant has also impleaded a total of thirteen (13) third party defendants, and has tendered same to plaintiff pursuant to Rule 14(c). In the event plaintiff is able to establish liability against plaintiff, which defendant does not admit, defendant shall seek contribution and/or indemnity from same.

The major factual issue concerns what defendant delivered to plaintiff's assured at Miami, as plaintiff contends the defendant received the full shipments at origin and delivered the shipments with pilferage, with many cartons having apparently been tampered with at some point during the transportation. Another potential issue concerns whether defendant has an limitation of liability for the loss as well as the possibility of the defendant naming the delivering trucker as a third party defendant. Plaintiff's claim is for \$40,000.00 on the first shipment and approximately \$57,000.00 on the second shipment.

(3) Proposed Case Management Plan:

- a. Pending Motions: None.
- b. Proposed cutoff date for Joinder of Additional Parties: July 11, 2008.
- c. Proposed cutoff date for amendments to Pleadings: July 25, 2008.
- d. Proposed Schedule for completion of discovery:
 - (1) Rule 26(a)(1) disclosures due, if not previously completed: July 25, 2008.
 - ii. Fact Discovery to be completed by: October 3, 2008.
 - iii. Rule 26(a)(2) disclosures due by: October 24, 2008.
 - iv. Expert Discovery Completion date: November 14, 2008.
- e. Proposed date for filing dispositive motions: November 21, 2008.
- f. Proposed date for filing a final pretrial order: November 28, 2008.
- g. Proposed Trial Schedule:
 - i. Non-jury trial.
 - ii. Probably length of trial: 2 days.

iii. Case will be ready for trial: December 5, 2008.

h. Final Pre-Trial Conference pursuant to Fed. R. Civ. P. 16(d):

Oct 30 at 4:30

(4) Statement of any limitation to be placed on discovery, including any protective or confidentiality orders: None known at this time

(5) Statement of discovery issues counsel, after good faith effort, are unable to reach an agreement on: None known at this time; the parties may seek to extend the discovery deadline depending on the participation of the third party defendants.

(6) Anticipated fields of expert testimony, if any: None known at this time, save for valuation of the property at issue and testimony of investigators/surveyors as lay experts.

(7) Anticipated length of trial and whether to court or jury:
Trial length - 2 days, non-jury trial


(8) The Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

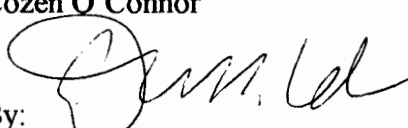
For Plaintiff: TM Asia Insurance Singapore Ltd.

For Defendant Primary Freight Services, Inc.

Badiak & Will, LLP

Cozen O'Connor

By: 
James P. Krauzlis (JK-4972)

By: 
David Y. Loh (DL-0460)

SO ORDERED:


SHIRA A. SCHEINDLIN
United States District Judge